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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JEFFREY LLOYD and LAWRENCE KAUFMANN, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

J.P. MORGAN CHASE & CO. and CHASE INVESTMENT SERVICES CORP.,

Defendants.

No. 11 Civ. 9305 (LTS)

KENNETH CIULLO, individually and on behalf of all others similarly situated,

No. 12 Civ. 2197 (LTS)

Plaintiff,

v.

J.P. MORGAN CHASE & CO. and CHASE INVESTMENT SERVICES CORP.,

Defendants.

**DECLARATION OF RACHEL BIEN IN SUPPORT OF MOTION FOR
CONDITIONAL CERTIFICATION AND COURT-AUTHORIZED NOTICE
PURSUANT TO SECTION 216(b) OF THE FLSA**

I, Rachel Bien, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney at Outten & Golden LLP, attorneys for Plaintiffs Jeffrey Lloyd and Lawrence Kaufmann, and an attorney in good standing admitted to practice in the State of New York and before this Court. I make this declaration based on my personal knowledge.

Procedural History

2. Plaintiffs Jeffrey Lloyd and Ellen Szymkiewicz filed a Class Action Complaint (“Compl.”) on December 19, 2011.

3. On March 23, 2012, Plaintiff Kenneth Ciullo filed a separate action, *Ciullo v. J.P. Morgan Chase & Co.*, No. 12 Civ. 2197, which the Court accepted as a related case on June 6, 2012.

4. On September 17, 2012, Defendants served discovery requests on Plaintiff Lloyd to which he responded on October 17, 2012 and served responsive documents on November 13, 2012.

5. Defendants served discovery requests on Plaintiff Ciullo on September 17, 2012.

6. On October 2, 2012, Plaintiffs served document requests and interrogatories on Defendants to which they responded on November 19, 2012. Defendants’ production of documents is ongoing.

7. On September 21, 2012, Plaintiff Ciullo filed a motion with the Judicial Panel on Multidistrict Litigation (“JPML”) to consolidate this action with other actions pending in California. In the course of the briefing, Chase opposed the transfer of the California actions to the Southern District of New York and sought to transfer the New York actions to be consolidated with the California actions. A hearing on the motion took place on November 29,

2012, and the Panel issued an order on December 11, 2012 denying the motion to transfer. A true and correct copy of the Panel's decision is attached hereto as **Exhibit A**.

Exhibits

8. Attached hereto as **Exhibit B** is a true and correct copy of relevant excerpts of Chase's Financial Advisor Training – Workbook for Your Success.
9. Attached hereto as **Exhibit C** are true and correct copies of Chase's compensation plans for Financial Advisors and Financial Advisor Associates.
10. Attached hereto as **Exhibit D** is a true and correct copy of Chase's offer of employment letter to Plaintiff Jeffrey Lloyd.
11. Attached hereto as **Exhibit E** is a true and correct copy of job postings for the positions of Financial Advisor and Financial Advisor Associate, obtained from Chase's website at <https://careers.jpmorganchase.com/career/careerhome> (last visited December 19, 2012).
12. Attached hereto as **Exhibit F** is Plaintiffs' proposed Court-Authorized Notice and Consent to Join Form.
13. Attached hereto as **Exhibit G** is a true and correct copy of the Declaration of Jeffrey Lloyd.
14. Attached hereto as **Exhibit H** is a true and correct copy of the Declaration of Lawrence Kaufmann.
15. Attached hereto as **Exhibit I** is a true and correct copy of the Declaration of Susan Hyman.
16. Attached hereto as **Exhibit J** is a true and correct copy of the Declaration of Alan Krichman.

17. Attached hereto as **Exhibit K** is a true and correct copy of the Declaration of Rob Johnson.

18. Attached hereto as **Exhibit L** is a true and correct copy of the Declaration of Peter Piccoli.

19. Attached hereto as **Exhibit M** is a true and correct copy of the Declaration of Joshua Strouse.

20. Attached hereto as **Exhibit N** is a true and correct copy of the Declaration of Jennifer Zaat-Hetelle.

21. Attached hereto as **Exhibit O** is a true and correct copy of the Declaration of Scott VanHoogstraat.

22. Attached hereto as **Exhibit P** is a true and correct copy of the Declaration of Amauri Leo Do Carmo.

23. Attached hereto as **Exhibit Q** is a true and correct copy of the Declaration of Robin Spencer.

24. Attached hereto as **Exhibit R** is a true and correct copy of the Declaration of Samuel Fuentes.

25. Attached hereto as **Exhibit S** is a true and correct copy of the Declaration of Kenneth Ciullo.

I declare under penalty of perjury under the laws of New York and the United States that the foregoing is true and correct.

Dated: January 14, 2013
New York, NY

Respectfully submitted,
OUTTEN & GOLDEN LLP
By:

/s/ Rachel Bien
Rachel Bien

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